

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

03-MD-1570 (GBD)(SN)

**TERRORIST ATTACKS ON
SEPTEMBER 11, 2001**

ORDER

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SARAH NETBURN, United States Magistrate Judge:

This document relates to:

Faulkner v. Bin Laden et al., No. 09-cv-07055

Counsel for the Islamic Republic of Afghanistan (the “Islamic Republic”) has requested a 60-day stay in light of the change in the government of Afghanistan. ECF No. 183. That motion is GRANTED.

Courts possess the inherent power to stay proceedings to control the disposition of matters on their dockets. Landis v. N. Am. Co., 299 U.S. 248, 254 (1936) (citations omitted).

The decision of whether to do so rests on five factors:

- (1) the private interests of the plaintiffs in proceeding expeditiously with the civil litigation as balanced against the prejudice to the plaintiffs if delayed; (2) the private interests of and burden on the defendants; (3) the interests of the courts; (4) the interests of persons not parties to the civil litigation; and (5) the public interest.

Ritchie Capital Mgmt., LLC v. Gen. Elec. Capital Corp., 87 F. Supp. 3d 463, 471 (S.D.N.Y. 2015) (citations omitted).

The Plaintiffs do not oppose the motion, and all factors weigh in favor of a stay. The Islamic Republic’s counsel (Hogan Lovells) has alerted the Court to the “collapse of the government of the Islamic Republic of Afghanistan.” ECF No. 184 at 3. As a result, it is possible that Hogan Lovells will no longer represent the interests of the sovereign state of Afghanistan.

Id. Neither Plaintiff, Defendant, nor this Court is served by advancing this matter during this period of instability and uncertainty.

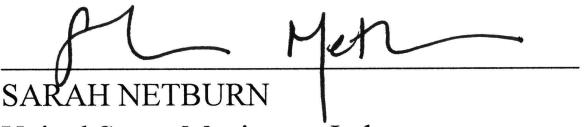
Finally, the public interest urges a stay. The parties have made the question of who governed Afghanistan at key moments in recent history a central factual dispute. See generally, ECF No. 180 (demonstrating that a central dispute between the parties is who governed Afghanistan from 1996 to 2001). Judicial pronouncements on this question could have diplomatic and political repercussions at a time when the political situation in that nation is already volatile. Accordingly, the public interest would be best served by providing an interval for the diplomatic situation in Afghanistan to become clearer and to allow a chance for Hogan Lovells to determine if they or other counsel will be empowered to advance legal arguments and public pronouncements on behalf of the Afghan state.

Counsel's request for a 60-day stay is therefore GRANTED. All proceedings in Faulkner v. Bin Laden et al., No. 09-cv-07055, will be STAYED for 60 days. On November 1, 2021, present counsel for Afghanistan shall file a status letter with the Court stating whether they will continue to participate in this matter as counsel.

The Clerk of Court is respectfully directed to grant the motion at ECF No. 183.

SO ORDERED.

DATED: New York, New York
 August 30, 2021



SARAH NETBURN
United States Magistrate Judge